

## CHAPTER I

### The Legislative Process

The State of California sets State policy through the passage of legislation by the California Legislature that, if signed into law by the Governor, guides future actions of the State and its citizens. Interacting in the legislative arena requires an understanding of the basic process in order to encourage or discourage the passage of new laws. The following information will provide an overview of how this process works.

#### **OVERVIEW OF THE LEGISLATURE**

The California State Legislature is made up of two houses: the Senate, which consists of 40 Members; and the Assembly, which has 80 members.

Each legislative session is two years and begins in an odd numbered year (i.e., the 2013/14 session began on January 1, 2013). The Legislature maintains a legislative calendar governing the introduction and processing of legislative bills during its two-year regular session (see Exhibit I – 1, *Legislative Calendar*).

Bills are titled based upon the house of origin. The bill will be either an Assembly Bill (AB) or a Senate Bill (SB). The bills are then numbered, beginning in the first year of the session with the number one and continuing consecutively through the second year of the session.

#### **INTRODUCING A BILL**

Every bill introduced begins with an idea or concept. Ideas and concepts can come from a variety of sources (i.e., a State department, a special interest group, a concerned citizen, a legislator, etc.). The source of the bill is often referred to as the bill's *sponsor*. If the sponsor is not a member of the Legislature, they need to identify a legislator and convince him or her to introduce the bill. This legislator becomes the bill's *author*.

NOTE: If a State department wants to introduce a legislative bill, it must first receive the approval from the Administration (Governor's Office). This is accomplished through the legislative proposal process.

Once an author is established, he or she sends the idea for the bill to the Office of the Legislative Counsel, where it is drafted into bill form. The Office of the Legislative Counsel consists of a number of attorneys who work for the Legislature. It is their responsibility to identify the proper language and governing codes which must be amended to accomplish the intent of the proposed legislation. The Legislative Counsel also includes in the bill a summary of the bill's intent. This is called the *digest*. Once the language is properly prepared, the Legislative Counsel returns the draft of the bill to the legislator for introduction in the author's house of origin.

The introduced bill is then sent to the desk where the clerk assigns a number to the bill (see Exhibit I – 2, *Anatomy of a Bill*). The clerk then reads the number, name of the author, and the descriptive title of the bill on the floor of the house. This is called the

*first reading.* The bill is then sent to the Office of the State Printer. In order to allow adequate notice of the proposed law to the public, no bill may be acted upon (i.e., heard in committee or amended) until it has been in print 30 days unless the Legislature waives the rule, permitting such action. The Budget Bill is an exception to this rule.

After introduction, a bill follows a path through both houses, beginning with the house of origin (see Exhibit I – 3, *How a Bill Becomes a Law*). Bills are assigned to policy committees according to subject area. For example, a Senate bill dealing with water issues would first be assigned to the Senate Natural Resources and Water Committee for policy review. Bills that have a potential fiscal impact on the State (i.e., appropriate funds, require the expenditure of funds, etc.) must also be heard in the fiscal committee, either Senate Appropriations or Assembly Appropriations.

During the committee hearing the author presents the bill to the committee, and testimony may be heard in support or opposition to the bill. The committee then votes on whether to pass the bill out of committee. There are three basic actions that a committee may take: pass the bill as written, pass the bill with amendments, or fail passage of the bill. It takes a majority vote of the committee membership for a bill to be passed and sent to the next committee or to the floor. If a bill fails passage, it may be reconsidered for vote under specific conditions. If the bill fails in the first year of a two-year session, the bill may be resurrected in the second year. If the failure occurs in the second year, the author will have to reintroduce a new bill in the next legislative session.

Frequently, bills do not move through the process as originally introduced and are amended one or more times. Oftentimes, this is done to address concerns of special interests in support or opposition of the bill.

Once the bill has been approved in its house of origin, it follows the same path in the second house. If a bill is amended in the second house, it must go back to the house of origin for *concurrence*, or agreement, on those amendments. If the house of origin does not concur in those amendments, the bill is referred to a two-house conference committee comprised of three members of each house to resolve the differences. If a compromise is reached, the bill is returned to both houses for a vote.

When a bill is passed by both houses, it is *enrolled* and sent to the Governor for signature. During the legislative session the Governor has 12 days to act on a bill. After the Legislature has adjourned, the Governor has 30 days from the end of the session to act on a bill. Upon receipt of the enrolled bill, the Governor may take one of the following three actions:

**SIGN** – The Governor signs the bill into law.

**VETO** – The Governor vetoes the bill.

**NO ACTION** – The Governor takes no action. During the legislative session, the bill automatically becomes law after 12 days. At the end of the legislative session, the Governor has 30 days to act on a bill, or it automatically becomes law.

The Governor's veto can be overridden by a two-thirds vote of the full membership of each house.

Once a bill is passed by the Legislature and approved by the Governor, it becomes *chaptered*. These chaptered bills are statutes and ordinarily become part of the California Codes. Chaptered bills are assigned a chapter number beginning with the number one and continuing as necessary. The chapter number represents the order in which the bill was chaptered in that year. For example, if AB 1234 was the first bill signed by the Governor in 2013, it would become Chapter 1, Statutes of 2013. Most chaptered bills become effective on January 1 of the following year, unless the bill specifies another date after January 1, or it takes effect earlier as a do annual budget bills, tax levies, or urgency measures. Budget bills take effect immediately upon signature by the Governor with the requirement of passage through both houses of the Legislature with simple majority votes, while tax levies and urgency measures require passage by a two-thirds majority vote of both houses.

### **TYPES OF LEGISLATION AND THEIR PURPOSES**

There are five basic types of legislation which can be introduced by the Legislature. These are bills, house resolutions, concurrent resolutions, joint resolutions, and constitutional amendments.

#### **Bill**

A bill is a legislative measure introduced to declare, decree, require or prohibit something. If passed, a bill becomes law in one of three ways:

1. The bill is signed into law by the Governor;
2. The legislature overrides a Governor's veto with two-thirds vote; or
3. The bill automatically becomes law after a designated period in which the Governor fails to act on the bill.

Bills are identified as either AB (Assembly Bill) or SB (Senate Bill), based upon the house of origin, and are numbered consecutively.

Often, the Legislature will convene a *special session* to address one particular issue of interest. For example, if potential flooding in California became an item of particular interest to the Legislature and/or the Governor, a special session would be called for that matter. Multiple special sessions can be called at the same time, each addressing a different issue. Bills introduced in a special session are accompanied by the letter "X" and a number representing that special session (i.e., SB1X 30 or AB3X 4).

Only the Governor can call a special session by issuing a proclamation declaring the need for that session. Upon signature by the Governor, special session bills take effect 90 days after adjournment of the special session.

House Resolution

A house resolution is only originated and acted upon in the house in which it is introduced. It only applies to the business of that house (i.e., committees or rules of operation) and does not change State law. Resolutions are identified as either AR (Assembly Resolution) or SR (Senate Resolution), recognizing the house of origin, and are numbered consecutively.

Concurrent Resolution

A concurrent resolution expresses legislative intent. It does not have the power of law, nor does it require gubernatorial approval. A concurrent resolution is authored by one house and agreed upon by the other. These resolutions frequently pertain to the business of the Legislature. Concurrent resolutions are identified as either ACR (Assembly Concurrent Resolution) or SCR (Senate Concurrent Resolution), recognizing the house of origin, and are numbered consecutively.

Joint Resolution

A joint resolution is passed by both houses to ask Congress or the federal government to act on something; i.e., to fund a program the federal government has enacted. Joint resolutions are not signed by the Governor. They are identified as AJR (Assembly Joint Resolution) or SJR (Senate Joint Resolution), recognizing the house of origin, and are numbered consecutively.

Constitutional Amendment

The California Constitution sets forth the fundamental laws by which the State of California is governed. A constitutional amendment is approved by both houses and does not require the Governor's signature. However it must be ratified by the voters at a statewide election. Constitutional amendments are identified as ACA (Assembly Constitutional Amendment) or SCA (Senate Constitutional Amendment), recognizing the house of origin, and are numbered consecutively.

**LEGISLATIVE CALENDAR - 2014**

- Jan. 6 - Legislature reconvenes
- Jan. 10 - Budget must be submitted by Governor
- Jan. 17 - Last day for policy committees to hear and forward to fiscal committees  
fiscal bills introduced in their house in the odd-numbered (prior) year
- Jan. 24 - Last day for any committee to hear and forward to the floor bills introduced  
in their house in the odd-numbered (prior) year
- Jan. 31 - Last day for each house to pass bills introduced in their house in the odd-  
numbered (prior) year
- Feb. 21 - Last day for bills to be introduced
- April 10 - Spring recess begins at end of session
- April 21 - Legislature reconvenes
- May 2 - Last day for policy committees to hear and forward to fiscal committees  
fiscal bills introduced in their house
- May 9 - Last day for policy committees to hear and forward to the floor non-fiscal  
bills introduced in their house
- May 16 - Last day for policy committees to meet and forward bills prior to June 2
- May 23 - Last day for fiscal committees to hear and forward to the floor bills  
introduced in their house prior to June 2
- May 30 - Last day for bills to be passed out of the house of origin
- June 2 - Committee meetings may resume
- June 15 - Budget must be passed by midnight
- June 26 - Last day for a legislative measure to qualify for the November 4 general  
election ballot
- June 27 - Last day for policy committees to hear and forward to fiscal committees  
fiscal bills introduced in the other house
- July 3 - Summer recess begins at the end of this day's session if Budget Bill has  
been passed
- Aug. 4 - Legislature reconvenes
- Aug. 15 - Last day for fiscal committees to meet and forward bills
- Aug. 22 - Last day to amend bills on the Floor
- Aug. 31 - Last day for each house to pass bills
- Sept. 30 - Last day for Governor to sign or veto bills passed by Legislature before  
Sept. 1 and in the Governor's possession on or after Sept. 1

# Anatomy of a Bill

CALIFORNIA LEGISLATURE—2005-06 REGULAR SESSION

Bill Number

**ASSEMBLY BILL**

**No. 672**

**Introduced by Assembly Member Klehs**

February 17, 2005

Author and  
Version Date

An act to amend Section 115825 of the Health and Safety Code,  
relating to reservoirs.

Code section(s)  
added or amended

## LEGISLATIVE COUNSEL'S DIGEST

AB 672, as introduced, Klehs. Reservoirs with water intended for domestic use: recreational use.

Existing law prohibits the recreational use of reservoirs where water is stored for domestic use to include recreation in which there is bodily contact with the water by a participant. The law exempts certain reservoirs from this prohibition and sets forth certain conditions and restrictions to ensure water purity.

This bill would exclude certain recreational activity from the prohibition against bodily contact with the water in a reservoir containing water intended for domestic use, including, but not limited to, fishing and canoeing, and hiking in areas adjacent to the reservoir.

→ Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no. ←

Legislative  
Counsel's  
Digest

This indicates if  
the State is  
requiring local  
governments to  
implement a  
new program  
or expend  
additional  
funds on an  
existing  
program

Most bills  
require a  
majority vote of  
both houses,  
except urgency  
bills and bills  
with an  
appropriation.  
These require  
a 2/3 vote.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 115825 of the Health and Safety Code is  
2 amended to read:

3 115825. (a) It is hereby declared to be the policy of this state  
4 that multiple use should be made of all public water within the  
5 state, to the extent that multiple use is consistent with public  
6 health and public safety.

1 (b) Except as provided in this article, recreational uses shall  
2 not, with respect to a reservoir in which water is stored for  
3 domestic use, include recreation in which there is bodily contact  
4 with the water by any participant.

5 (c) *Notwithstanding any provision to the contrary, this article*  
6 *does not prohibit the following recreational uses:*

7 (1) *Hiking in the areas adjacent to the reservoir.*

8 (2) *Bike riding in the areas adjacent to the reservoir*

9 (d) *Notwithstanding any provision to the contrary, this article*  
10 *does not prohibit any of the following recreational activities, nor*  
11 *does it prohibit bodily contact with the water that is reasonably*  
12 *necessary for any of the following recreational activities:*

13 (1) *Fishing.*

14 (2) *Kayaking.*

15 (3) *Canoeing.*

Amended text  
of the bill:  
Italics indicate  
language  
added to  
existing law.  
Strikethroughs  
indicate  
language being  
deleted from  
existing law.

Existing law  
NOTE:  
Language  
added in the  
previous  
version of the  
bill will not be  
italicized in  
subsequent  
versions of the  
bill.

## How A Bill Becomes A Law

